

# State Statutory and Administrative Law Research, Analysis, and Surveillance: Challenges and Opportunities

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*Presented by*

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# Presentation Overview

- About The MayaTech Corporation
- Statutory and administrative law research and surveillance
  - Reasons for conducting
  - Considerations before conducting
  - Approaches to compiling and analyzing statutory/administrative law
  - Methods for incorporating public health law information into research and evaluation studies

# About The MayaTech Corporation

- An applied, social science research firm
- Nearly 20 years experience in the public health arena
- Provide services to clients throughout DHHS as well as elsewhere in the Federal Government and the private sector
- Selected specialty areas:
  - Health policy and legislative analysis
  - Technical assistance and training
  - Conference and logistics management

# MayaTech's Center for Health Policy and Legislative Analysis

- Over 12 years experience in the legislative analysis arena
- Services offered:
  - Legislative/regulatory research and analysis
  - Policy ratings/measurement for evaluation studies
  - Publications and materials development
    - ◆ Newsletters, fact sheets, web sites, etc.
  - Technical assistance
    - ◆ Interpretation and verification activities
  - Training

# Some of our Legislative Analysis Clients

- **CDC Office on Smoking and Health**
  - STATE system legislative and appropriations data
- **National Cancer Institute**
  - State Cancer Policy Database Program
  - ASSIST Evaluation Legislative Ratings
  - Physical Activity Policy Tracking and Evaluation System Pilot Study
- **National Institute on Alcohol Abuse and Alcoholism**
  - Alcohol Policy Information System Feasibility Study
  - Local Alcohol Policy Information System Pilot Study
- **University of Illinois at Chicago**
  - State Illicit Drug Policy Research and Surveillance
  - State Substance Abuse Treatment Policy Research
- **Roswell Park Cancer Institute**
  - State Tobacco Legislative Research and Verification

# MayaTech's Health Policy and Legislative Analysis Staff

- Attorneys
- Public policy/health policy analysts
- Library/information specialists
- Government affairs staff
- Experience at Federal, state, and local levels of government

# Why Conduct Statutory/ Administrative Law Research?

# Reasons for Conducting Public Health Law Research and Surveillance - 1

- “Public health legal preparedness” (Mensah et al., 2004)
  - Essential legal authorities
  - Public health professional competency in applying the law
  - Public health law best practices (research/evaluation)
  - Jurisdictional and disciplinary coordination



# Reasons for Conducting Public Health Law Research and Surveillance - 2

- Information on the existence of laws is a necessary precursor to measuring implementation and enforcement of those laws
- Ongoing monitoring of changes over time (surveillance aspect)

# What Should You Consider BEFORE Conducting Statutory/Administrative Law Surveillance?

# Statutory/Administrative Law Research and Surveillance Considerations

1. Underlying research/surveillance purpose
2. Intended audience for the information
3. How will the information be accessed?
4. Data system considerations
5. Topical coverage
6. Resources

# Statutory/Administrative Law Research and Surveillance Considerations

1. What is the underlying purpose for the legal research/surveillance?
  - Research and evaluation purposes
  - Best practices inventory
  - Legal monitoring
  - Technical assistance/training for public health lawyers/practitioners

# Statutory/Administrative Law Research and Surveillance Considerations

2. Who will be the intended audience for the information?
  - Public health lawyers
  - Government officials
  - Public health practitioners
  - Researchers
  - General public/lay audience

# Statutory/Administrative Law Research and Surveillance Considerations

## 3. How will the information be accessed?

- Data system (publicly accessible or restricted access)
- Synthesis/compilation products (newsletters, fact sheets, chart books, etc.)
- Technical assistance/training summaries

# Statutory/Administrative Law Research and Surveillance Considerations

## 4. Data system considerations

- What will be the expected uses for the data system?
- What will be the data format?
  - Full-text, brief summaries, coded data
- Will the system be searchable or just used for reporting purposes?
- What will be the reporting formats?
  - Data tables, text summaries, full-text laws, graphical displays

# Statutory/Administrative Law Research and Surveillance Considerations

## 4. Data system considerations (continued)

- What will be the periodicity of the data?
  - Historical vs. current/prospective
  - Updating frequency
- What type of laws will be captured?
  - Statutory
  - Administrative
  - Case Law
- Individual bill/regulation monitoring vs. current status of the cumulative law



# Statutory/Administrative Law Research and Surveillance Considerations

## 5. What will be the topical coverage?

- Ultimate research/surveillance purpose
  - ◆ Public health significance
  - ◆ Emerging public health issue
  - ◆ Research salience
  - ◆ Complexity of the legal issue area (Has resource implications)
  - ◆ Possible consideration given to variation in states (possibly important in research/evaluation studies)

# Statutory/Administrative Law Research and Surveillance Considerations

## 6. Resources

- All other considerations will likely rest with a question of resources – how much money will be available to conduct the activity?
- Key consideration: Can the activity be conducted in stages?

# Approaches to Compiling and Analyzing Statutory/ Administrative Law

# Identifying Relevant Policies

- Data source
  - Primary vs. secondary data collection
- Familiarity and understanding of the topical area as well as the methods associated with conducting legal research/review
- Develop explicit decision rules, protocols, data dictionaries, user manuals, etc., to guide the policy identification and analysis process
  - *Will help to ensure consistency*

# State Statutory/Administrative Law Data Sources

- Primary data collection
  - Legal research using legal research services, law libraries
  - Internet research
  - Surveys, interviews, field research
- Secondary sources
  - Advocacy groups, associations, unions, insurance companies, school boards, etc.

# Primary Data Collection Considerations

- Use of on-line legal research services or conducting law library research
  - Ability to conduct systematic and consistent research
  - Consistent time point available for all states
  - Historical information availability
    - ◆ State statutory law consistently available dating back to early 1990s
    - ◆ State administrative law only recently available across states (2002 forward)

# Primary Data Collection Considerations (cont.)

- Internet research
  - Often not “official” compilations
  - Not consistently available across all states
  - Inconsistency in updating frequency
  - Search limitations
- Surveys, interviews, and field research
  - Excellent confirmation method
  - Not reliable as sole data collection source

# Secondary Data Collection Considerations

- What was the original purpose for the data collection effort?
- Partisan vs. non-partisan position on issue(s)
- Data collection method
- Data analysis and quality control method
  - Training/competency of staff
- Availability of original policy data or just coded information
- Temporality/timing of data collection and frequency of updating



# What Do We Do With the Policy Once It Is Deemed Relevant?

- Review and analyze the law
  - Develop and use analytic guidelines to ensure consistency in analysis
  - Develop text descriptions, topical codes, and/or quantitative measures of the law
- Quality control review
- Enter the information into a data system
- Generate reports and other end products

# Methods for Incorporating Public Health Law Information into Research and Evaluation Studies

# Some Options for “Measuring” Public Health Law for Research and Evaluation Purposes

## ■ Quantitative Approaches

- Develop dichotomous variables
- Develop ordinal measures or ratings of the extensiveness of the law

## ■ Qualitative Approaches

- Use of keywords
  - ◆ Need to ensure that each keyword has a unique and specific meaning

# Quantitative Approaches to Measuring Public Health Laws for Research and Evaluation Purposes

## ■ Dichotomous variables

- Does a specific law exist?
  - ◆ *Con:* Does not capture scope or extent of the law

## ■ Ordinal scales or ratings (see Chriqui et al., 2002)

- What is the nature and the extent of the law?
  - ◆ Measures broad categories as well as the gradation of law within categories
  - ◆ Allows for weighting both within and across categories

# Ordinal Ratings

- Developed to measure policy extensiveness and policy change over time
- Initially created for the NCI American Stop Smoking Intervention Study (ASSIST) Evaluation (See Alciati et al., 1998; Chiqui et al., 2002)
- Adapted subsequently for other topic areas (e.g., physical activity, cancer control)

# Uses for a Rating System

- Dependent or independent variables in research and evaluation studies
- Comparative benchmarks for comparing across states
- State-level rating criteria can also be adapted and applied to local policies

Legal research and surveillance can be akin to climbing a mountain or traveling a long and winding road. It requires an interdisciplinary approach and lots of cooperation!



# QUESTIONS?